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MAY **2 3** 2006

In re Application of

Pinsky, et al.

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OFFICE OF PETITIONS

Application No. 10/724,367

Filed: December 1, 2003

Attorney Docket No. 9029-7 MIS:jb

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DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed April 21, 2006.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on July 28, 2005, after it was believed that no response was received to the Office action mailed June 27, 2005. The action allowed a period for reply of one-month from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on March 22, 2006, indicating that a reply to Office action of June 27, 2005, was not received.

The instant petition maintains that an election responsive to the Office action was transmitted via facsimile on July 26, 2005. A copy of the election containing a certificate of facsimile transmission dated July 26, 2005, and a copy of the transmission sheet noting three pages as having been successfully transmitted to the USPTO on July 26, 2005, accompanied the petition.

Based on the aforementioned, it appears that the application was improperly held abandoned as a proper response was received prior to expiration of the period for reply. The holding of abandonment is withdrawn, accordingly.

The application file is being forwarded Technology Center 2800 GAU 2862, for further processing including the consideration of the copy of the election filed April 21, 2006, which will be noted as having been timely received.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions